

REMARKS

In the Office Action dated April 29, 2008, claims 4-6 were rejected under 35 U.S.C. §103(a) as being unpatentable over Hibel et al. in view of Guido et al., and further in view of Vining. This rejection is respectfully traversed for the following reasons.

The Hibel et al. reference simply discloses a system with CD-R writing functionality. The user interface noted by the Examiner in the Hibel et al. system simply allows a user to write information on a CD that can include visualization software to cause medical image data to be visualized when the data carrier is used in another computer. The Hibel et al. reference simply permits a user to view a medical image with visualization software, make a copy of that image with the associated visualization software, and then view the image on another computer in which the copy is inserted. The medical image data in the Hibel et al. reference, as acknowledged by the Examiner, are not three-dimensional data, and therefore the Examiner has relied on the Guido et al. reference as providing a teaching to reconstruct 3D medical images from 2D images. Modifying the Hibel et al. reference in accordance with the teachings of Guido et al. would simply result in the aforementioned copy of the previously-viewed image showing a 3D image, instead of 2D image.

As the Examiner has acknowledged, there is no teaching in either the Hibel et al. or the Guido et al. references of a user interface that allows a user to enter special instructions for execution of the visualization software that alter the visualization of the 3D image data by the visualization software, compared to execution of the visualization software without the special instructions. The

Examiner has acknowledged that the Hibel et al. and Guido et al. references do not teach storing such special instructions united with 3D medical image data, and thus neither of those references disclose or suggest visualizing the image data with the altered visualization when the data carrier is used in another computer.

The Examiner relied on the Vining reference as teaching recording and storing the path of a camera that is used to simulate a “flight” along a particular path through displayed internal anatomy of a patient. This takes place in a rendering process 80 disclosed in the Vining reference which, as noted by the Examiner, is described at column 13, lines 52-61 as occurring “rapidly and interactively.”

In the next paragraph in Vining, beginning at column 13, line 62, it is stated that the path (camera coordinates) of each simulated flight can be recorded and used in a “playback” mode to retrace the flight path. Applicants respectfully submit, however, that if the Examiner is assuming this recording is for any purpose other than playback on the same computer in which the original image rendering occurred, the Examiner is reading much more into this passage than is actually present in the Vining disclosure, and Applicants respectfully submit the Examiner's reading of this passage in Vining has been colored by the Examiner first having the benefit of reading the disclosure of the present Applicants.

Applicant acknowledge that the Vining reference does disclose that the geometric representation of the wire frame model 16 of the color and volume dataset used to create the wire frame model can be stored, on a digital audio tape or an optical disc. The Vining reference then makes the separate statement that each simulated “flight” through the anatomy (colon) can be recorded on video tape or a video recorder for later viewing by others.

Applicants respectfully submit the storage of the wire frame model is not a teaching to store the image data united with the special instructions for visualization thereof, and the statement in the Vining reference to generate a video tape is a storage of *only* the image data, i.e., the image data of the “flight.” A video tape merely records image data in whatever form the image data are supplied to the video tape, and there are no “instructions” embodied on the video tape. The video tape simply causes the image data that are recorded thereon to be presented in exactly the same manner, but the video recorder does not require any “instructions” to do so.

Applicants therefore respectfully submit the Examiner has simply combed the prior art to located separate and disparate references that happen to disclose individual portions of the subject matter disclosed and claimed in the present application, but there is no teaching, suggestion or guidance in any of those references to combine those teachings in the manner set forth in independent claim 4 of the present application. In fact, the Vining reference provides teachings away from the subject matter disclosed and claimed in the present application because the Vining reference teaches, if it is desired to replay the “flight” at another display location, other than the computer in which the “flight” originated, the image information should be stored on a video tape and, as noted above, this is the storage of video data only, with no instructions for operating visualization software. Only the present Applicants have had the insight to first realize the advantages that can be achieved by generating a data carrier that embodies not only image data and visualization software, but also special instructions, and to devise a manner of doing so that allows the data carrier to be used in a second computer processor, separate from the first computer processor that was used to create the special instructions for

altering the visualization software, so that the image data can be viewed at the second computer processor in the same manner as at the first computer processor, but without the operator of the second computer processor having to undertake any special steps.

Applicants respectfully submit that even if the Hibel et al./Guido et al./Vining combination were made, this would merely result in a CD being generated in the system disclosed in Hibel et al. that includes 3D image data as disclosed in Guido et al., and a wire frame model as disclosed in Vining. If the separate and different purpose of allowing the “flight” disclosed in the Vining reference to be replayed at another location were desired, this would mean, in accordance with the teachings of Vining, that instead of creating a CD, a video tape would be reported. The video tape would then be replayed at a video recorder, not at a second computer processor. Even if the separate disclosures of the Hibel et al. and Guido et al. and Vining references could be argued to demonstrate that the separate and individual items of claim 4 of the present application were “at the fingertips” of the respective authors of those documents (a position with which the present Applicants do not necessarily agree), it is clear that despite having this information at their fingertips, none of those authors have the insight to combine that information in the manner set forth in claim 4 of the present application. Having information at one’s fingertips, but failing to have the final insight that makes use of that information in a beneficial manner that is claimed in a patent claim is a hallmark of non-obviousness, rather than a basis for precluding patentability under the provisions of 35 U.S.C. §103(a).

Claims 5 and 6 add further components to the non-obvious combination of claim 4, and therefore would not have been obvious to a person of ordinary skill in the field of displaying medical information for the same reasons discussed above in connection with claim 4.

All claims of the application are therefore submitted to be in condition for allowance, and early reconsideration of the application is respectfully requested.

The Commissioner is hereby authorized to charge any additional fees which may be required, or to credit any overpayment to account No. 501519.

Submitted by,

(Reg. 28,982)

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